

Where there are several counts in indictment charging defendant with more than one distinct and separate felony, the court may in its discretion either compel an election between the counts, or in a clear case quash indictment. Several counts held to relate to same transaction and indictment held valid. While ordinarily a motion to quash is addressed to the discretion of the court, its discretion is to be governed by rules, and if it acts in violation of those rules, its judgment may be reviewed. *State v. McNally*, 55 Md. 563 (decided prior to act of 1882, ch. 84).

Larceny defined. The offenses of principal and accessory before the fact in larceny are distinct, and there cannot be a conviction of one charge upon an allegation of the other, and an acquittal upon one charge is no bar to a trial upon the other. Suit on a liability bond guaranteeing against embezzlement or larceny. *Canton Bank v. American Bonding Co.*, 111 Md. 51.

Larceny defined. When a person steals goods in another state and brings them into Maryland, he cannot be indicted here for the crime committed in the other state; but the act of bringing such stolen goods into this state is a new larceny for which he may be indicted here. *Worthington v. State*, 58 Md. 403 (decided July 11, 1882).

Indictment charging that property stolen was worth so many dollars, current money, whereas this section required the value to be of \$5, meaning gold or silver, is valid in the light of art. 29, sec. 1, *et seq.*; at most the words objected to were surplusage or such as should have been excepted to on demurrer. An objection that the record did not show original indictment, overruled. Suggestion of removal made in time. *Gardner v. State*, 25 Md. 150 (decided prior to act, 1882, ch. 84).

An indictment describing the articles stolen as "one hide of the value," etc., is sufficient. *State v. Dowell*, 3 G. & J. 310.

See sec. 143.

As to thieves and pickpockets, see sec. 492, *et seq.*

As to receiving stolen goods, etc., see sec. 470.

As to indictments for larceny, see sec. 559.

An. Code, sec. 286. 1904, sec. 262. 1888, sec. 157. 1809, ch. 138, sec. 6. 1868, ch. 214.

319. If any person shall feloniously steal, take and carry away personal goods of another under the value of five dollars, or if any person shall break into any shop, store-house, tobacco house or warehouse, although the same be not contiguous to or used with any mansion house, and steal any money, goods or chattels under the value of one dollar, the same order and course of trial shall be had and observed as for other simple larcenies, and being thereof convicted he shall be deemed guilty of petty larceny and shall restore the goods and chattels so stolen or pay the full value thereof to the owner thereof, and be further sentenced to the penitentiary or to the jail of the county in which the offense may have been committed, or of the city of Baltimore if the offense be committed in said city, in the discretion of the court, for not more than eighteen months.

The statutory offense of petit larceny cannot be classed with misdemeanors. This section referred to in holding art. 52, sec. 12 (as it stood prior to act, 1906, ch. 475), invalid in part. *Danner v. State*, 89 Md. 224. And see *Baum v. Warden*, 110 Md. 584.

See notes to sec. 318.

An. Code, sec. 287. 1904, sec. 263. 1888, sec. 158. 1793, ch. 35, sec. 1. 1797, ch. 96, sec. 1. 1799, ch. 75, sec. 3. 1809, ch. 138, sec. 6.

320. Robbery or larceny of any obligation or bond, bill obligatory or bill of exchange, bank note or notes, promissory notes for the payment of money, check or order drawn on any bank of this State, or any other State, paper bill of credit, certificate granted by or under the authority of this State, or of the United States, or any of them, or any last will and